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City and County of San Francisco

UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

In re:

PG&E CORPORATION,

-and-

PACIFIC GAS AND ELECTRIC COMPANY,

Debtors,

- ☐ Affects PG&E Corporation  
☒ Affects Pacific Gas and Electric Company  
☐ Affects both Debtors

*All papers shall be filed in the Lead Case,  
No. 19-30088 (DM)*

Case No.: 19-30088-DM

Chapter 11

**DECLARATION OF HUNTER W. SIMS  
III IN SUPPORT OF MOTION BY THE  
CITY AND COUNTY OF SAN  
FRANCISCO TO ALLOW FILING OF  
LATE PROOF OF CLAIM AND FOR  
RELATED RELIEF AND  
MEMORANDUM OF POINTS AND  
AUTHORITIES**

Hearing Date: January 12, 2021

Judge: Hon. Dennis Montali

Time: 10:00 a.m.

Place: Telephonic/Video Appearances  
Only, Courtroom 17  
450 Golden Gate Avenue  
16th Floor  
San Francisco, California

I, Hunter W. Sims III, declare as follows:

1. I am a Deputy City Attorney with the Office of the City Attorney for the City  
and County. I am the attorney assigned to handle the action of *Wiltz v. City and County of*

1 *San Francisco*, San Francisco Superior Court Case No. CGC-19-575888 on behalf of the Defendant  
2 City and County of San Francisco (“the City”). I have personal knowledge of the contents of this  
3 declaration; and if called upon to testify, could and would testify competently to the contents of this  
4 declaration.

5 2. On July 19, 2018, Ms. Wiltz served a Government Tort Claim on the  
6 Controller’s office. This claim was denied on November 13, 2018.

7 3. On May 10, 2019, Ms. Wiltz filed a Complaint in the San Francisco Superior  
8 Court against the City and County of San Francisco for personal injury based on Premises Liability  
9 and Dangerous Condition of a Public Property (Case # CGC-19-575888) (the “Complaint”) A true  
10 and correct copy of the Complaint is 2attached hereto as Exhibit A.

11 4. I filed an answer on behalf of the City and County of San Francisco on  
12 November 12, 2019, denying any liability to the Plaintiff under the Complaint.

13 5. On June 18, 2020, I deposed Ms. Wiltz who testified that she tripped and fell  
14 over a utility box in front of a residence at 121 Farnum St. At the deposition, Ms. Wiltz identified a  
15 Damian Molinari as a witness to the underlying incident of the complaint.

16 6. The parties attended private mediation on July 16, 2020 before the Hon.  
17 Rebecca Westmore (Ret.). On the day of the mediation, Ms. Wiltz’s counsel provided me with a  
18 declaration from Damian Molinari, the resident at 121 Farnum St., which was signed on July 15,  
19 2020. A true and correct copy of the declaration is attached hereto as Exhibit B.

20 7. Mr. Molinari’s declaration was the first time I became aware of a connection  
21 between the alleged incident and construction work that was being performed near 121 Farnum Street  
22 in the preceding months.

23 8. The mediation on July 16, 2020 ended without a resolution.

24 9. Thereafter, I learned that PG&E had applied for and been issued a Utility  
25 Excavation Permit from the San Francisco Department of Public Works for the vicinity around  
26 Farnum Street on January 2, 2018 for the purposes of replacing the gas main in that location. (Permit  
27 # 17-EXC-5466). That Permit expired on March 31, 2018. A renewed permit was issued on April 2,  
28 2018 (Permit 18EXC-1272) which extended the time for the work through May1, 2018 (hereinafter

1 the "Permits"). True and correct copies of Permit # 17-EXC-5466 and Permit 18EXC-1272 are  
2 attached hereto as Exhibits C and D respectfully.

3 10. After obtaining the permits in October 2020, I prepared a cross-complaint and  
4 sent a tender letter to PG&E. The City has not yet served the cross-complaint on PG&E. I have  
5 spoken with counsel for PG&E who has informed me that PG&E contends that the claim and cross-  
6 complaint are barred by the automatic stay and that the claims are late.

7 I declare under penalty of perjury under the laws of the State of California that the  
8 foregoing is true and correct and that this declaration was executed on December 9, 2020 in  
9 San Francisco, CA.

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12 /s/ Hunter Simms III  
13 HUNTER SIMMS III  
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